

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

**WRIT PETITION Nos.26902, 26903, 26904, 26905, 26906, 26907,
27066 of 2009 and 367 of 2010**

COMMON ORDER:

The petitioners are lessees for road metal of different extents in Survey No.207/1 of Gontivanipalem Village, Addateegala Mandal, East Godavari district. The leases were for a period of ten years. The leases were granted after following due process of law by the competent authority. However, after grant of leases and when quarrying operations were going on, the Tahsildar addressed a letter to the Assistant Director of Mines and Geology stating that the meetings of Gramasabha were not conducted in accordance with the provisions of the Panchayats (Extension of Scheduled Areas) Act, 1996. Hence, the earlier No Objection Certificates(NOCs) issued were withdrawn until the meetings of the Gramasabha are properly conducted. Based on the said report and on the complaint of the Honble member of Rajya Sabha, a tentative decision was taken in the Governing Body Meeting of ITDA held on 20.10.2009 for cancellation of leases. Pursuant to the said decision, a show cause notice was issued by the Deputy Director of Mines and Geology, Kakindada, asking the petitioners to submit their explanations. Challenging the same, the present writ petitions are filed.

It is clear from the facts of the cases that the leases were granted in the year 2008 for a period of ten years and they expire by 2018. The leases were granted on the basis of NOCs issued by the Gramasabha through Tahsildar. Now, the Tahsildar states that

the meetings of the Gramasabha were not properly conducted and in those circumstances, the NOCs issued earlier were withdrawn. Normally, in such circumstances, the opinion of Gramasabha should have been taken into account by directing the Gramasabha to hold a meeting. Instead of that a decision appears to have been taken in ITDA Governing Body Meeting on 20.10.2009 for cancellation of the leases.

A perusal of the show cause notices show that the Hon'ble Member of Rajya Sabha and the Hon'ble In-charge Minister enquired into the decision taken and pursuant to the same, the present show cause notices were issued.

Since show cause notices are challenged in the present writ petitions, this Court is not inclined to set aside the impugned show cause notices, but deem it appropriate to give four weeks time to the lessees to submit their explanations to the show cause notices, and after receipt of explanations from the lessees, the 2nd respondent shall verify the record and pass appropriate orders in accordance with law. Till such time the interim order granted by this Court on 09.12.2009 allowing the petitioners to continue the quarrying operations would continue.

Subject to the above observations and directions, these writ petitions are disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

A. RAMALINGESWARA RAO, J

Date: 01.03.2016

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